

# Exhibit A

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 BILL WISSER,

5 Plaintiff,

6 - against -

7 VOX MEDIA, INC.,

8 Defendant.

9 -----X

10 1251 Avenue of the Americas  
11 New York, New York

12 August 15, 2019  
10:00 a.m.

13  
14 (Confidential portions included)

15  
16 Deposition of Plaintiff, WILLIAM WISSER,  
17 before Rita Persichetty, a Notary Public of the  
18 State of New York.

1 A P P E A R A N C E S:

2 LIEBOWITZ LAW FIRM, PLLC

3 Attorneys for Plaintiff

4 11 Sunrise Plaza, Suite 305

5 Valley Stream, New York 11580

6 BY: JAMES H. FREEMAN, ESQ.

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9 EMAIL: jf@liebowitzlawfirm.com

10  
11 DAVIS WRIGHT TREMAINE LLP

12 Attorneys for Defendant

13 1251 Avenue of the Americas

14 New York, New York 10020

15 BY: RACHEL F. STROM, ESQ.

16 PHONE: 212.489.8230

17 EMAIL: rachelstrom@dwt.com

1 MS. STROM: Can I have this document  
2 marked as Exhibit 10, please.

3 (Defendant's Exhibit 10, Screenshot  
4 of Ariete's page on Facebook, marked for  
5 identification.)

6 MS. STROM: I won't -- this won't  
7 discuss financial matters, we should stop  
8 marking this confidential.

9 MR. FREEMAN: Yes.

10 Q I will represent that this is a  
11 screenshot of the Ariete Facebook page with a  
12 picture of a photograph.

13 I am so old or so young that I don't  
14 have a Facebook account, I'm somewhere in  
15 between.

16 MR. FREEMAN: You're still on  
17 MySpace.

18 MS. STROM: I was burned -- I was of  
19 the generation that was burned by MySpace  
20 and Friendster and I'm like, you know  
21 what, I'm done with this. But I recently  
22 joined Instagram so I guess that is owned  
23 by Facebook, so there you go.

24 MR. FREEMAN: Very cutting edge.

25 MS. STROM: Yeah, cutting edge in

1           that my mother and relatives all have it  
2           too.

3           Q     Do you recognize the photograph that  
4           is on this document?

5           A     I recognize the photograph.

6           Q     And what is the photograph?

7           A     Well, it's a photograph in question  
8           in this suit.

9           Q     Did you know that this photograph was  
10          on the Ariete Facebook page?

11          A     No.

12          Q     So you did not license this  
13          photograph to Ariete?

14          A     That is correct.

15          Q     Is this your first time now, right  
16          now knowing that this photograph is on the  
17          Ariete Facebook page?

18          A     Yes, yes it is.

19          Q     So you -- it would be news to you to  
20          know that eater worked -- had requested images  
21          from Ariete for the article at issue in this  
22          lawsuit?

23          A     I don't understand your question.

24          Q     So you have sued over an article on  
25          eater.com, correct?

1 A Yes.

2 Q And you have no knowledge now if  
3 Ariete -- or sorry, if the people that worked  
4 at eater.com asked Ariete for photographs for  
5 the article at issue at this page?

6 A I have no knowledge of what went on  
7 inside the editorial offices of -- or of  
8 Facebook or, really I have no idea what --  
9 what's going on with the management of eater.

10 Q Okay.

11 A No, excuse me, the manager of the  
12 restaurant because you're saying that the  
13 restaurant used the picture. I don't know if  
14 that's very clear.

15 Q I think I got it. You're saying you  
16 have no knowledge if Ariete worked with  
17 eater.com to provide the image that is at issue  
18 in this lawsuit?

19 A You're asking me whether I knew that  
20 eater had asked Ariete to provide the  
21 photographs and I don't know.

22 Q Okay.

23 A But it does appear that they used the  
24 photograph.

25 Q Who?

1 A Ariete.

2 Q It does appear that Ariete used the  
3 photograph, that is correct.

4 If you go back to Exhibit 1 which is  
5 the complaint at issue in this lawsuit. You  
6 have that in front of you.

7 Do you want to help him, James?

8 MR. FREEMAN: Yup.

9 Q And if you go to the last page which  
10 is the use of the photograph by eater.com, do  
11 you see under the photograph where it says,  
12 "Grilled oysters from Ariete"?

13 A Yeah, I think so.

14 Q Do you see any photo credit there?

15 A Yeah, this is reproduced very small  
16 but I think it says something about Facebook  
17 as -- I could almost need a magnifying glass to  
18 read that. But it says it does say Facebook.

19 Q Before that, I will represent that it  
20 says Ariete/Facebook.

21 A So that would tend to indicate that  
22 they're claiming that they got it from Ariete's  
23 Facebook page.

24 Q Okay.

25 MS. STROM: Can I mark as Exhibit 11

1 a document that was produced by  
2 plaintiff's counsel but not production  
3 numbered. It is three pages long and at  
4 the top says, "Gmail forwarding photos of  
5 Ariete/four."

6 (Defendant's Exhibit 11, E-mails,  
7 marked for identification.)

8 Q Mr. Wisser, have you ever seen this  
9 document before?

10 A Well, I've seen this separate, this  
11 appears to have two separate E-mails in them  
12 and I've seen them both before but not exactly  
13 in this form.

14 Q So let's take it one at a time. At  
15 the very, very top it says, "Bill Wisser  
16 Bill@BillWisserphoto.com to Richard Liebowitz  
17 RL@Liebowitzlawfirm.com."

18 A Right.

19 Q Is that an E-mail that you sent to  
20 Richard Liebowitz?

21 A Exactly.

22 Q You said before Richard Liebowitz is  
23 one of your attorneys on this?

24 A Correct.

25 Q You sent, it was sent Friday July 19,



C E R T I F I C A T E

STATE OF New York)

:ss

COUNTY OF RICHMOND)

I, RITA M. PERSICHETTY, a Notary Public within  
and for the State of New York, do hereby certify:

That WILLIAM WISSER, the witness whose  
deposition is hereinbefore set forth, was duly sworn  
by me and that such deposition is a true record of  
the testimony given by such witness.

I further certify that I am not related to any  
of the parties to this action by blood or marriage;  
and that I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 19th day of August, 2019.

*Rita M. Persichetty*

RITA M. PERSICHETTY